ZONING ORDINANCE FOR MADISON, INDIANA

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CITY OF MADISON INDIANA ZONING ORDINANCE

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PREAMBLE

An ordinance establishing zoning regulations in the City of Madison and any contiguous unincorporated area outside the coporate limits of the City of Madison that bears reasonable relation to the development of the City of Madison, Jurisdiction over which has been assumed by the City Plan Commission of the City of Madison, Indiana, or which may hereafter be assumed pursuant to the procedure as set forth in Indiana Acts 1979, CHAP. 178, as amended, repealing district zoning maps designating use classifications of all property in said City and said contiguous unincorporated areas.

Whereas, to provide for adequate light, air, convenience of access, and safety from fire, flood and other danger; that congestion in the public streets may be lessened or avoided; that the public health, safety, comfort, morals, convenience, and general public welfare may be promoted, and,

Whereas, to accomplish such objectives, it is deemed necessary to

- To classify, regulate and limit the height, area bulk and use of buildings hereafter to be erected.
- To regulate and determine the area of front, rear and side yards, courts and other open spaces about such buildings.
- 3. To regulate and determine the use and intensity of use of land and lot areas.
- 4. To classify, regulate and restrict the location of trades, callings, industries, commercial enterprises and the location of buildings designed for specified uses.
- 5. To classify and designate the land amongst agricultural, industrial, commercial, residential, and other uses and purposes.
- To divide the City into districts of such kind, character, number, shape and area as may be deemed necessary to carry out the purposes of this ordinance, now therefore,

BE IT ORDAINED by the Common Council of the City of Madison, Indiana:

ARTICLE I

TITLE AND INTERPRETATION

SECTION 1.00 - TITLE

This Ordinance shall be known and may be cited as the "1981 Zoning Ordinance of the City of Madison, Indiana".

SECTION 1.10 - PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Wherever the requirements of this ordinance are at variance or in any other vay conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive, or that imposing the higher standards, shall govern.

SECTION 1.20 - SEVERABILITY CLAUSE

Should any section, subsection, paragraph, subparagraph, clause, word or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE II

DEFINITIONS

SECTION 2.00 - APPLICATION AND INTERPRETATION

- A. For the purpose of these regulations, certain numbers, abbreviations, terms, words, and phrases used herein shall be used, interpreted, and defined as set forth in this article.
- B. Whenever any words and phrases used herein are not defined herein but are defined in the State laws regulating the creation and function of various planning agencies, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.
- C. For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows:
 - 1. The word "person" includes an individual, firm association, organization, partnership, trust, company, corporation, or any other legal entity.
 - The masculine includes the feminine.
 - The present tense includes the past and future tense; the singular number includes the plural.
 - The word "shall" is a mandatory requirement; the word "may" is a permissive requirement; and the word "should" is a preferred requirement.
 - 5. The words "used" or "occupied" include the words "intended, arranged, or designed to be used or occupied."
 - 6. The word "lot" includes the words "plot", "parcel", and "tract".
 - D. Errors and omissions -- If a manifest error be discovered consisting of the misspelling of any word or words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted or substituted as will conform with the manifest intention, and the provision shall have the same effect as though the correct words were contained in the test as originally published. No such alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

SECTION 2.01 - WORDS AND PHRASES DEFINED

ACCESSORY USE OR ACCESSORY STRUCTURE - A building or use subordinate to another structure or use located on the same lot and which does not change or alter the character of the premises and which is not used for human occupancy.

AGRICULTURE — The use of land for farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce, provided however, that:

- The operation of any such accessory uses shall be secondary to that of normal agricultural activities;
- b. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within one hundred (100) feet of any residential zoning district;
- c. The agriculture does not include the operation or maintenance of a commercial stockyard or feedlot where large numbers of livestock are fed concentrated feeds particularly for the purpose of fattening for market.

AIRPORT - Any location either on land, water, or structure which is designed or used for the landing and taking-off of aircraft, including all necessary buildings and facilities, if any.

ALTERATION - Any change, addition, or modification in construction, or any change in the structural members of a building, such as bearing walls, columns, beams, or girders.

AUCTION USE - A building or any specific closed or open area where merchandise is assembled and sold by a form of sale called an auction.

AUTOMOTIVE, MOBILE HOME, TRAVEL TRAILER, FARM IMPLEMENT, AND CONSTRUCTION MACHINERY SALES - The sale or rental of new or used, motor vehicles, mobile homes, travel trailers, farm implements, and construction machinery, but not including major repair work except warranty and incidental repair of same, to be displayed and sold on the premises.

AUTOMOBILE SERVICE STATION: A building designed primarily for the supplying of motor fuel, oil, lubrication, and accessories to motor vehicles, but excluding major repair and overhaul.

BASEMENT - A portion of the building partly underground, but having less than half its clear height below the average grade of the adjoining ground.

BLOCK - A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

BOARD - The Board of Zoning Appeals.

BOARDING AND LODGING HOUSE: A building where, for compensation and by prearrangement for definite periods, meals, or lodging and meals are provided for three or more persons, not including members of the keeper's immediate family.

BUILDING - Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

BUILDING, ACCESSORY - A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the principal building or use.

BUILDING AREA - The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, unenclosed porches, or architectural appurtenances projected not more than two (2) feet.

BUILDING, DETACHED - A building having no structural connection with another building.

BUILDING, FRONT LINE OF - The line of the face of the building nearest the front lot line.

BUILDING, HEIGHT OF - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridges for gable, hip, and gambrel roofs.

BUILDING, PRINCIPAL - A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING SETBACK LINE - The line, established by this ordinance, beyond which a building shall not extend unless varied according to procedures in this ordinance. Also called a "building line."

BUSINESS, CONVENIENCE - Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating excessive conjection, noise, or other objectionable influences. Convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry facilities, and small grocery stores, if the aggregate total floor area of such facilities does not exceed 10,000 square feet. Uses in this classification tend to serve the day-to-day needs of the neighborhood.

BUSINESS, GENERAL — Commercial uses which generally require locations on or near major arterials and/or their intersections, and which tend, in addition to serving day—to—day needs of the neighborhood, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as major supermarkets, stores that sell hardware, apparel, footwear, appliances and furniture, and various department and discount stores. Also included here may be drive—in banks.

BUSINESS, HIGHWAY - Commercial uses which generally require locations on or near major arterials and/or their intersections, and which tend to serve the motoring public. Highway business uses include, but need not be limited to, such activities as filling stations, automotive sales and service, restaurants and motels, and commercial recreation.

BUSINESS, OFFICE TYPE - Quasi-commercial uses which may often be transitional between retail business and/or manufacturing and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, clerical, and drafting. Institutional offices of a charitable, philanthropic, or religious or educational nature are included here.

BUSINESS SERVICES - Any activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in businesses and homes.

BUSINESS, WHOLESALE - Business establishments that generally sell commodities and materials in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

CAMP, PUBLIC - Any area or tract of land used or designed to accommodate two (2) or more automobile house trailers, mobile homes, or two (2) or more camping parties, including cabins, tents, or other camping outfits.

CARPORT - A structure with a roof supported by columns and/or one or more solid walls for the shelter of automobile(s).

CELLAR - A portion of the building partly underground, but having half or more of its clear height below the average grade of the adjoining ground.

CEMETERY - Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery for which perpetual care and maintenance is provided.

CHANNEL - A natural or artificial water course of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

CHARACTERISTICS OF USE - The use which is characteristic or the principal use of an area of land, a building or structure.

CLINIC - A building used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but which building does not provide board, room, or regular hospital care and services.

CLUB — Buildings and facilities, owned or operated by a corporation, association, person or persons, for a social, educational, or recreational purpose, to which membership is required for participation, and not operated primarily for profit nor to render a service which is customarily carried on as a business.

COMMERCIAL ENTERTAINMENT FACILITY - Any activity which is generally related to the entertainment field, such as a motion picture theater, carnival, cocktail lounge, nightclub, and similar entertainment activities.

COMPREHENSIVE (DEVELOPMENT) PLAN - A plan, or any portion thereof, adopted by the Plan Commission and the legislative authority of the City, showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, parks, schools, and transportation and other community facilities.

CONDITIONAL USE - A special use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Official Schedule of District Regulations or special exceptions.

CONDITIONAL USE PERMIT - A permit issued by the zoning inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

CONFINEMENT FEEDING - Any time 300 or more cattle, 600 or more swine or sheep, or 30,000 or more fowl are housed (or penned) and fed in a confined area. Definition from the Indiana State Board of Health.

CUL-de-SAC - See Street.

DENSITY - A unit of measurement; the number of dwelling units per acre of land.

- a. CROSS DENSITY The number of dwelling units per acre of the total land to be developed, including public right-of-way.
- b. NET DENSITY The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding public right-of-way.

DISTRICT - A part of the City wherein restrictions of this ordinance are uniform.

DRIVEWAY - A private road which provides access to a lot, or to a use located on such lot, from a public way.

DWELLING - A fixed structure or building, containing one or more dwelling units.

DWELLING, INDUSTRIALIZED UNIT - An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a mobile home. Commonly referred to as manufactured home.

DWELLING, MULTI-FAMILY - A dwelling consisting of three (3) or more dwelling units including condominiums with varying arrangements of entrances and party walls. Commonly referred to as apartment complex.

DWELLING, SINGLE-FAMILY - A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

DWELLING, TWO-FAMILY - A dwelling consisting of two (2) dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrances or entrance. Includes condominiums. Commonly referred to as duplex.

DWELLING UNIT - A room or group of rooms designed and equipped exclusively for use as living quarters for only one family and its household employees, including provisions for living, sleeping, cooking, and eating. The term shall include mobile homes, but shall not include travel trailers or recreational vehicles.

EASEMENT - An authorization or grant by a property owner to specific person(s) or to the public to use land for specific purposes.

ESSENTIAL SERVICES - The erection, construction, alteration, or maintenance of gas, electrical, communication facilities, stream, fuel or water transmission or distribution systems, collection, supply or disposal systems. Such systems may include towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories, but shall not include buildings which are necessary for the furnishing of such services.

FAMILY: One or more persons occupying premises and living as one housekeeping unit using one kitchen, and distinguished from a group occupying a boarding house, lodging house, fraternity or sorority house, a club, or a hotel.

FARM - An area used for agricultural operations including truck gardening, forestry, the operation of a tree or plant nursery, or the production of livestock and poultry.

FARM VACATION ENTERPRISES (PROFIT OR NON-PROFIT) - Farms adapted for use as vacation farms, picnicking and sports areas, fishing waters, camping, scenery, and nature recreation areas; hunting areas; hunting preserves, and watershed projects.

FENCE - A structure, including entrance and exit gates, designed and constructed for enclosure or screening.

FLOOD (OR FLOODWATER) - The temporary inundation of land adjacent to and inundated by overflow from a river, stream, lake, or other body of water.

FLOOD CONTROL - The prevention of floods, the control regulation, diversion, or confinement of flood water or flood flow, and the protection therefrom, according to sound and accepted engineering practice, to minimize the extent of floods, and the death, damage and destruction caused thereby, and, all things incidental thereto or connected therewith.

FLOOD HAZARD AREA - A flood plain, or portion thereof, which has not been adequately protected from floodwater by means of dikes, levees, reservoirs, or other works approved by the Indiana Department of Natural Resources Commission.

FLOOD PLAIN - The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The flood plain includes the channel, floodway, and floodway fringe.

FLOOD, REGULATORY (OR REGIONAL) — A flood having a peak discharge which can be expected to be equalled or exceeded on the average of once in a hundred year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. The 100-year frequency flood is equivalent to a flood having a probability of occurrence of one percent (1%) in any given year (a flood magnitude which has a one percent chance of being equalled or exceeded in any given year).

FLOODWAY - The channel of a river or stream and those portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the flood water or flood flow of any river or stream.

FLOODWAY FRINGE - Those portions of the flood hazard areas lying outside the floodway.

FLOOR AREA, GROSS — The sum, in square feet, of the floor areas of all roofed portions of a building, as measured from the interior faces of the exterior walls. It includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar when said basement or cellar space is used for storage or other such incidental uses. The gross floor area is generally applied in residential use.

FLOOR AREA, NET - The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms, etc., in a non-residential building. The net area is used in calculating parking requirements.

FLOOR AREA, USABLE - Same as gross floor area.

FLOOR AREA RATIO - The floor area of the building divided by the area of the lots on which such building is located.

FOOD PROCESSING - The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, etc.

GARAGE, PRIVATE - An accessory building, or an accessory portion of the principal building, used for storing or parking of automobiles, recreational vehicles and/or boats of the occupants of the premises and wherein not more than one (1) space is rented for parking to a person not resident of the premises.

GARAGE, PUBLIC - A principal or accessory building other than a private or storage garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

GARAGE, STORAGE - Any building or premises, used for housing only motor-driven vehicles, other than trucks and commercial vehicles.

GRADE - The average level of the finished surface of ground adjacent to the exterior walls of the building.

HOME OCCUPATION - An occupation conducted in a dwelling unit, provided that:

- a. No more than one person other than members of the family residing on the premises shall be engaged in such occupation;
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of floor area of the dwelling unit shall be used in the conduct of the home occupation;
- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding four (4) square feet in area, non-illuminated, and mounted flat against the wall of the principal building;
- d. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance and shall not be located in a required front yard.
- e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

HOTEL OR MOTEL AND APARTMENT HOTEL - A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a rooming house, boarding house, lodging house, or dormitory which is herein separately defined.

IMPROVEMENT LOCATION PERMIT - A permit stating that the proposed erection, construction, enlargement or moving of a building or structure referred to therein complies with the provisions of the Comprehensive Plan of the City of Madison, Indiana.

INSTITUTION - Building(s) and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

JUNK YARD - Any place at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or assorted; including, but not limited to, used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick, and similar property except animal matter; and used motor vehicles, machinery or equipment which are used, owned, or possessed for the purpose of wrecking or salvaging parts therefrom.

KENNEL - Any premises where four (4) or more animals over four (4) months of age are housed, groomed, bred, boarded, trained, or sold and which may offer provisions for minor medical treatment.

LIVESTOCK - Any aminal which has been domesticated primarily for agricultural purposes, but not including house pets such as dogs, cats, canaries, or any other similar animal or fowl usually considered a house pet.

LOADING SPACE, OFF-STREET - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

LOT - For the purposes of this ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- a. A single lot of record;
- b. A portion of lot of record;
- c. A combination of complete lots of record, or of complete lots of record and portions of lots of record, or of portions of lots of record.

LOT COVERAGE - The ration of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

LOT FRONTAGE - The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

LOT LINE, FRONT - Lot line(s) bounding a lot as follows:

- a. Interior Lot The line separating the lot from the street Fight-of -.
 way.
- b. Corner or Through Lot The line separating the lot from either street right-of-way.

LOT LINE, REAR — The boundary of a lot which is most distant from and is, or is most nearly parallel to the front lot line. In the case of a triangular or irregular-shaped lot, an imaginary line between the side lot lines parallel to the front lot line, ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

LOT LINE, SIDE - Any boundary of a lot which is not a front lot line or rear lot line.

LOT, MEASUREMENT OF - A lot shall be measured as follows:

- a. Depth The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- b. Width The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

LOT OF RECORD - A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Jefferson County or a parcel of land, not exceeding one acre in area, the deed of which was recorded in the office of the Recorder of Jefferson County, prior to the effective date of these regulations.

LOT TYPES - Terminology used in this ordinance with reference to different types of lots is as follows:

- a. Corner Lot A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if tangent projections of the front lot lines drawn perpendicular at the side lot lines meet at an interior angle of less than 135 degrees in front of the lot.
- b. Interior Lot A lot with only one frontage on a street.
- c. Through Lot ~ A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- d. Reversed Frontage Lot A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

MAINTENANCE AND STORAGE FACILITIES - Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

MANUFACTURING, EXTRACTIVE - Any mining, quarrying, excavating processing, storing, separating, cleaning, or marketing of any mineral natural resource.

MANUFACTURING, HEAVY - Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

MANUFACTURING, LIGHT - Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and not nuisances.

MOBILE HOME - Any vehicle originally constructed or designed for mobility, and in such a manner to permit the occupancy thereof as a dwelling or sleeping place, either self-propelled, or non self-propelled, shall be considered mobile and not a permanent structure or building although the means or devices for mobility have been removed therefrom and their function means or devices for mobility have been removed therefrom and their function replaced by a permanent type of foundation or anchorage to the land, and further shall be required to conform to the regulations and restructions for the district so located.

MOBILE HOME PARK - An area of land upon which five (5) or more mobile homes are harbored for the purpose of being occupied as principal residences and includes all real and personal property used in the operation of the mobile home park. An area of land that is subdivided and contains individual lots which are leased or otherwise contracted for is a mobile home park if five (5) or more mobile homes are harbored there for the purpose of being occupied as principal residences.

NON-CONFORMING USE - A building, structure, or use of land existing at the time of enactment of this ordinance, and which does not conform to the regulations of the district in which it is situated.

NURSERY, NURSING HOME - A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

NURSERY, PLANT MATERIALS - Land, buildings, structures, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening and landscaping.

OPEN SPACE — A public or private outdoor area expressly set aside for the use and benefit of many unrelated people. The area may include, along with the natural environment features, water areas, swimming pools, tennis courts, and othe recreational facilities that the Plan Commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included in open space area calculations.

ORDINANCE - Any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

PARKING SPACE, OFF-STREET - For the purposes of this ordinance, an offstreet parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally off public right-of-way.

PARKING STALL - The area required for parking one automobile, with its attendant maneuvering room. The area required for a parked car is to be ten (10) feet wide and twenty-two (22) feet long.

PARTY WALL - A wall starting from the foundation and extending continuously through all stories to or above the roof which separates one building from another and is in joint use by each building.

PERFORMANCE BOND OR SURETY BOND - An agreement by a subdivider or developer of the City for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

PERSONAL SERVICES - Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

PLANNED UNIT DEVELOPMENT (PUD) - An area of land in which a variety of residential, commercial, and industrial uses are planned and developed as a whole according to comprehensive and detailed plans with more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.

PREMISES - One or more lots which are in the same ownership and are contiguous or separated only by a road or waterbody, including all buildings, structures, and improvements.

PRINCIPAL BUILDING - The building in which the principal use of the lot is conducted.

PRINCIPAL USE - The primary use to which the premises are devoted, and the main purpose for which the premises exist.

PRIVATE SCHOOL - Private preprimary, primary, grade, high, or preparatory school or academy.

PROFESSIONAL ACTIVITIES - The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers, and similar professions.

PROHIBITED USE - A use marked as prohibited for a certain district in the Schedule of Uses is not to be allowed to locate in said district except as specified under non-conformities.

PUBLIC RIGHT-OF-WAY - A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to a transportation facility.

PUBLIC SERVICE FACILITY - The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants, and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communications, water and sewerage services.

PUBLIC USES - Public parks, schools, administrative, and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

PUBLIC UTILITY - Any person, firm, or corporation duly authorized to furnish electricity, gas, steam, telephone, telegraph, water or severage systems to the public under public regulation.

QUASI-PUBLIC USE - Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

RECREATIONAL EQUIPMENT, MAJOR - Equipment which must be hauled on a trailer with two (2) or more wheels or which has two (2) or more wheels attached, or which is self-propelled with wheels, including boats, trailers, and recreational vehicles.

RECREATIONAL FACILITIES - Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to, hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

RECREATIONAL VEHICLE (RV) - A vehicle primarily designed as a temporary living quarters for recreation, camping or travel, either with their own motor power or mounted on or towed by another powered vehicle.

RECREATION CAMPGROUND - An area of land on which two (2) or more recreational vehicles, including campers, tents, or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure, or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

REPLACEMENT COST - The sum of money which would be required to re-erect a structure identical to the one in question.

RESEARCH ACTIVITIES - Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

ROADSIDE STAND - A temporary structure designed or used for the display or sale of agricultural and related products, or novelties and other items of interest, to the motoring public.

ROOMING HOUSE (BOARDING HOUSE, DORMITORY, LODGING HOUSE) - A dwelling or part thereof, other than a hotel, motel, or restaurant where meals and/or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

SCREENING - A structure erected or vegetation planted for concealing an area from view.

SEAT - For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

SETBACK LINE - A line established by the zoning ordinance, generally parallel with and measured from the lot line, defining the limits of a yard, in which no building or structure may be located above ground, except as may be provided in said ordinance:

SEWERS, CENTRAL OR GROUP - An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

SEWERS, ON-SITE - A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe displsal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

SIDEWALK - That portion of the road right-of-way outside the roadway which is improved for the use of pedestrian traffic.

SIGN - An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place activity, service, person, institution, or business.

SIGN, ILLUMINATED - Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.

SIGN LIGHTING DEVICE - Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.

SIGN, OFF-PREMISES - Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located. Can also be called an advertising sign.

SIGN, ON-PREMISES - Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located. Can also be called a business sign.

SIGN, PROJECTING - Any sign which projects from the exterior of a building.

SPECIAL EXCEPTION - A use or structure allowed in a district for which a permit is granted by the Board of Zoning Appeals because of its unusual nature.

STATE - The State of Indiana.

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STORY - That part of a building between the surface of a floor and the ceiling immediately above; or if there is a floor above, the portion of a building between the surface of any floor and the surface of the floor next above. A basement shall be counted as a story, and a cellar shall not be counted as a story.

STREET - A general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way. The term "street" also includes the terms highway, parkway, road, thoroughfare, avenue, boulevard, lane, court, place, and other such terms.

The recommended usage is:

- highway or street in urban areas
- highway or road in rural areas
- a. Alley A street intended to provide access to the rear or side of lots or to buildings in urban areas and not intended for the purpose of through vehicular traffic.
- b. Arterial A system of streets and roads which form an integrated network of continuous routes primarily for through traffic. The "arterial" system is stratified into "principal" (or major) and "minor" categories.
 - 1. Principal Serves corridor traffic movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel, or connects major population centers in rural areas; or serves major centers of activity and highest traffic volume corridors with the longest trip desires in urban areas.

- 2. Minor Links other cities, large towns, and traffic generators, and provides a substantial amount of interstate and intercounty service in rural areas; or interconnects and augments with the principal arterials to provide service to trips of moderate length for intracommunity continuity in urban areas.
- c. Collector A system of streets and roads which generally serve travel of primarily intra-area and intracounty importance with approximately equal emphasis to traffic circulation and land access service. The "collector" system is generally further stratified into "major" and minor" categories. The system collects and distributes traffic between the arterial and local systems.
- d. Cul-de-Sac A local street open at one end only and with a special provision for vehicles turning around.
- e. Dead-end A local street open at one end only and without a special provision for vehicles turning around.
- f. Frontage A local street or road auxiliary to and located on the side of an arterial for service to abutting property and adjacent areas, and for control of access. (Sometimes also called a "marginal access street.")
- g. Highway A term applied to streets and roads that are under the jurisdiction of the Indiana State Highway Commission.
- h. Local A system of streets and roads which primarily provides land access service and access to higher order systems.
- i. Loop A local street with both terminal points on the same street of origin.
- j. Partial A dedicated right-of-way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.
- k. Perimeter Any existing street to which the parcel of land to be subdivided abuts on only one side.
- Private A local street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.
- m. Public A street under the control of and kept by the public, established by regular governmental proceedings for the purpose, or dedicated by the owner of the land and accepted by the proper authorities and for the maintenance of which they are responsible.

STRUCTURE - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, and signs.

STRUCTURAL ALTERATION - Any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.

SUPPLY YARD - A commercial establishment storing and offering for sale building supplies, steel, coal, heavy equipment, feed and grain, and similar goods.

SWIMMING POOL - A pool, pond, lake, or open tank containing at least eighteen (18) inches of water at any point and maintained by the owner or manager.

SWIMMING POOL, COMMUNITY - A swimming pool for the benefit of the general public, operated with a charge for admission; a principal use.

SWIMMING POOL, PRIVATE - A swimming pool used exclusively without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.

TERRACE - A natural or artificial embankment between a building and its lot lines.

TERRACE, HEIGHT OF - The difference in elevation between the curb level and the top of the terrace at the center of the building wall.

THOROUGHFARE PLAN - The portion of the Comprehensive Plan adopted by the City Plan Commission indicating the general location recommended for arterial, collector, and local streets and roads within the appropriate jurisdiction.

TOURIST HOME - A building in which one but not more than five guest rooms are used to provide or offer overnight accommodations to transient guests for compensation.

TRACT - A parcel of land greater than 43,560 square feet in area, the deed of which was recorded in the office of the Recorder of Jefferson County, prior to the effective date of these regulations.

TRADE OR BUSINESS SCHOOL - Secretarial or Business School or College when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization; or sponsorship of a religious, charitable or non-profit organization; or school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hair dressing, drafting, or for teaching industrial or technical arts.

TRAVEL TRAILER - A vehicle or other portable structure designed to move on the highway, not under its own power, and designed or used as a temporary dwelling.

USE - The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

USE, NONCONFORMING - A use of land or building, existing at the time of the adoption of this ordinance, which fails to comply with the requirements set forth in this ordinance applicable to the District in which such use is located.

VARIANCE - A modification of the strict terms of the relevant regulations of this ordinance where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this ordinance would result in unnecessary and undue hardship.

VISION CLEARANCE ON CORNER LOTS - A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of 3 and 12 feet above established grade, determined by a diagonal line connecting two points measured 15 feet equidistant from the street corner along each lot line.

VETERINARY ANIMAL HOSPITAL OR CLINIC - A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation, and/or recuperation. It may also include boarding that is incidental to the principal activity or use.

VICINITY MAP - A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

WALKWAY - A public way, four feet or more in width, for pedestrian use only, whether along the side of a street or not.

YARD - An open space other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance.

YARD, FRONT - A yard across the full width of the lot extending from the front line of the principal building to the front lot line.

YARD, REAR - A yard extending the full width of the lot between a principal building and the rear lot line or lines.

YARD, SIDE - A yard between the principal building and side lot line, and extending from the front yard line to the rear yard line.

ZONING - The division of an area into districts and the public regulation of the character and intensity of the use of the land, and of the buildings and structures which may be located thereon, in accordance with a comprehensive plan.

ZONING DISTRICT - Any area of the City of Madison within which the zoning regulations are uniform.

ZONING DISTRICT MAP - The map setting forth the boundaries of the zoning districts of the City of Madison, which map is part of these regulations.

ZONING ORDINANCE - A legal tool for accomplishing the objectives of a land use plan. It is an effective regulatory measure designed to encourage high standards of development and to foster the most efficient use of land.

ZONING PERMIT - A document issued by the zoning inspector authorizing the use of lots, structures, uses of land and buildings, and the characteristics of the uses.

ARTICLE III

PROVISIONS FOR OFFICIAL ZONING MAP

SECTION 3.00 - OFFICIAL ZONING MAP

The City is hereby divided into zones, or districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

SECTION 3.10 - IDENTIFICATION OF THE OFFICIAL ZONING MAP

The Official Zoning Map shall be identified by certification and bear the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Article Three of Ordinance Number of the City of Madison, State of Indiana," together with the date of adoption of this ordinance. Certification should be by the signature of the Mayor, and attested by the City Clerk.

SECTION 3.20 - MAINTENANCE OF THE OFFICIAL ZONING MAP

If, in accordance with the provisions of this ordinance and Chapter 178, Acts of 1979, as amended for cities and towns, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council with an entry on the Official Zoning Map as follows: On (Day, Month & Year) by official action of the City Council, the following changes were made on the Official Zoning Map:

which entry shall be signed by the President of the Planning Commission and attested by the City Clerk. No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of any kind by a person or persons shall be considered a violation of this ordinance and punishable as provided under Section 11.50 of this ordinance.

SECTION 3.30 - LOCATION OF OFFICIAL ZONING MAP

Regardless of the existence of purported copies of the Official Zoning Map which from time to time may be published, the Official Zoning Map shall be located in the office of the Clerk-Treasurer, City Building. It shall be the authority as to the current zoning status of land and water areas in the City.

SECTION 3.40 - REPLACEMENT OF THE OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and

additions, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The Official Zoning Map shall be identified by the signature of the President of the City Plan Commission, attested by the City Clerk and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of Ordinance Number of the City of Madison. Indiana, Unless the prior Official Zoning Map has been lost, or

Medison. Indiana. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment in the office of the Clerk-Treasurer.

SECTION 3.50 - RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- Boundaries indicated as approximately following the center lines of thoroughfares or highways, street lines or highway right-ofway lines, or alleys shall be construed to follow such center lines.
- 2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot line.
- 3. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- 4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- 5. Boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such center lines.
- 6. Boundaries indicated as approximately following flood plain lines shall be construed to follow such contour lines. (In addition to the boundaries shown on the zone maps the boundary of minor ditches and streams shall be designated as being at least five vertical feet or one hundred horizontal feet from the edge of the water, whichever is the greater distance. In this case, a stream, river or creek shall be defined as one which flows at least one hundred eighty (180) days of the year. Further, it is advised that the banks and at least ten (10) feet beyond, be left in as natural a state as possible).
- 7. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 6 above shall be so controlled. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

- 8. Where physical or cultural features existing on the ground are at variance with those shown as the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 5 above, the Board of Zoning Appeals shall interpret the boundaries.
- 9. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Zoning Appeals may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

SECTION 3.60 - ANNEXATION

All land annexed to the city subsequent to the adoption of this ordinance shall remain subject to the previous county zoning district until such time as the Official Zoning Map is amended according to the provisions of Article VI. All land annexed to the city which, prior to annexation, is not subject to county zoning, shall have the highest zoning classification of the city until the Official Zoning Map is amended according to the provisions of Article VI.

SECTION 4.00 - ESTABLISHMENT AND PURPOSE OF DISTRICTS

The following zoning districts are hereby established for the City of Madison, Indiana. For the interpretation of this ordinance, the zoning districts have been formulated to realize the general purposes as set forth in the Preamble of this ordinance. In addition, the specific purpose of each zoning district shall be as stated.

SECTION 4.10 - RESIDENTIAL DISTRICTS

Residential districts are established to meet the purpose set forth in Sections 6.10 - 6.15 inclusive.

SECTION 4.11 - RESIDENTAIL AGRICULTURAL (R-A)

The purpose of the R-A District is to permit some degree of development in the rural areas where public utilities are not available. By placing a maximum gross density of one (1) dwelling per acre on this district, problems may be alleviated.

SECTION 4.12 - LOW DENSITY RESIDENTIAL DISTRICT (R-4)

The purpose of this district is to encourage a medium-low density residential single and two family dwelling, but a gross density not to exceed four dwelling units per acre. Centralized water and sewer facilities are required.

SECTION 4.13 - MEDIUM DENSITY RESIDENTIAL (R-8)

The purpose of this district is to permit the establishment of a medium density multiple family dwelling, the gross density not to exceed eight (8) dwelling units per acre. This district is also designed to permit larger, older homes to be converted to two (2) or more dwelling units. Centralized water and sewer facilities are required.

SECTION 4.14 - HIGH DENSITY RESIDENTIAL (R-32)

The purpose of the R-32 District is to allow high-density residential apartment buildings. The major restriction is that the gross density shall not be more than thirty-two (32) dwelling units per acre and that certain restricted commercial uses are permitted. It must abut a minor collector or arterial street as specified by the Board of Public Works and Safety of the City of the Indiana State Highway Commission. Centralized water and sewer facilities are required.

SECTION 4.15 - RESIDENTIAL MOBILE HOME PARK DISTRICT (RMH)

The purpose of the RMH District is to encourage the development of well planned mobile home parks. Such districts shall abut upon a major arterial or collector street. Mobile home parks shall comply with all state regulations as well as those specified in Article Four of this ordinance.

SECTION 4.20 - BUSINESS DISTRICTS

Business Districts are established to meet the purpose set forth in Section 6.16-6.21 inclusive.

SECTION 4.21 - PROFESSIONAL, RESEARCH, OFFICE DISTRICT (PRO)

The purpose of the PRO District is to encourage the practice of grouping the offices of such uses as professional, research, executive, administrative, accounting, clerical and similar uses. All of these are uses which would not conflict drastically with a residential use. For this reason, the PRO would best be located as a buffer between more intensive non-residential areas (industry, shopping centers, etc.) and residential areas. Because these uses traditionally draw a large volume of traffic, they should be located adjacent to a major thoroughfare as designated by the Indiana State Highway Commission or the Madison Board of Public Works and Safety.

SECTION 4.22 - LOCAL BUSINESS DISTRICT (LB)

The purpose of this district is to encourage the establishment of areas for convenience business uses which tend to meet the daily requirements of the residents of an immediate neighborhood. These districts will be very carefully and strategically located. Allowing specialized business in this district would defeat the purpose.

SECTION 4.23 - GENERAL BUSINESS DISTRICT (GB)

The purpose of the GB District is to encourage the establishment of areas for general business uses to meet the needs of a regional market area. Activities would include large space uses, such as department stores, service stations, specialty stores and the like. Shopping centers are good examples of types of uses in the GB District. Due to the scale, it is absolutely necessary that the GB Districts be located on a major thoroughfare as specified by the State Highway Commission or the Madison Doard of Public Works and Safety.

SECTION 4.24 - RESIDENTIAL COMMERCIAL DISTRICT (R-C)

There are certain areas in the City of Madison which are presently developed with residential buildings which are of outstanding architectural design or historical interest, of sound structural condition and economic value which should be preserved. These areas are located near the center of the old part of the city. As the city grows in population and business activity, there will be pressure exerted to remove, or to make alterations and additions to these old buildings to make room for new buildings and commercial expansion. In recognition of the cultural, economic and historical value of these buildings to the present and future health, safety, convenience and welfare of the entire community, these buildings may be occupied, used and altered for residential and commercial uses as listed, and in accordance with the restrictions and regulations set forth below.

SECTION 4.30 - MANUFACTURING DISTRICTS

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The Manufacturing Districts are established to meet the purposes set forth in Section 6.22 - 6.24 inclusive.

SECTION 4.31 - LIGHT MANUFACTURING DISTRICT (M-1)

The purpose of the M-l District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements, operate entirely within enclosed structures and generate little industrial traffic. This district is further designed to act as a transitional use between heavy manufacturing uses and less intensive uses such as business or residential.

SECTION 4.32 - HEAVY MANUFACTURING DISTRICT (M-2)

The purpose of the M-2 District is to encourage the development of major manufacturing, processing, warehousing, and major research and testing operations. These activities require extensive community facilities and reasonably good access to major thoroughfares. They may also have extensive open storage and service areas and may generate heavy industrial-type traffic.

SECTION 4.40 - ENVIRONMENTAL DISTRICTS

The Environmental Districts are established to meet the purposes set forth in Sections 6.25 - 6.27 inclusive.

SECTION 4.41 - AGRICULTURAL DISTRICT (AG)

The purpose of the AG District is to preserve and protect prime agricultural land by controlling the indiscriminate infiltration of urban development into agricultural areas.

SECTION 4.42 - OPEN SPACE DISTRICT (OS)

The purpose of the Open Space District is to provide areas for recreation, farming and conservation purposes, and areas suitable for non-commercial recreation. This zone includes the Flood Hazard Areas as delineated in Madison by the Department of Housing and Urban Development.

SECTION 4.43 - HILLSIDE DISTRICT (HS)

The Hillside District is designed to identify unique natural features and areas of scenic beauty in the Madison area. The Hillside District inclues land of which, because of topographical features, the development would be costly and hazardous. Therefore, the purpose of the Hillside District is to promote the preservation of the natural features and scenic beauty and to permit carefully monitored residential growth which would be compatible with the preservation of the natural features and scenic beauty and the safety, comfort and general welfare of the community. The Hillside District shall primarily include hillside areas surrounding old Madison.

ARTICLE IV

APPLICATION OF DISTRICT REGULATIONS

SECTION 5.00 - GENERAL APPLICATION OF DISTRICT REGULATIONS

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided.

- No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located;
- 2. No building or other structure shall be erected or altered:
 - a. to provide for greater height or bulk;
 - b. to accommodate or house a greater number of families;
 - to occupy a greater percentage of lot area;
 - d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces;

than herein required, or in any other manner be contrary to the provisions of this ordinance;

3. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements set forth herein. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

SECTION 5.10 - OFFICIAL SCHEDULE OF DISTRICT REGULATIONS ADOPTED

District regulations shall be as set forth in the Official Schedule of District Regulation hereby adopted and declared to be a part of this ordinance. (See Section 7.00)

SECTION 5.20 - EXPLANATION OF THE ORIGIN OF THE OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

The Official Schedule of District Regulations was prepared using a modified form of the Standard System for Identifying and Coding Land Use Activities.

SECTION 5.30 - GENERAL RESTRICTIONS, APPLICATION OF ALL USES IN ALL DISTRICTS

The restrictions set out in Section 5.31 - 5.38 apply to all uses in all districts.

SECTION 5.31 - PROPERTY ACCESS

Any structure erected or moved for use as a dwelling unit or with a replacement cost in excess of \$2,000 shall be easily accessible to fire and other emergency equipment, and shall be on a lot adjacent to or with access to a public street, or with access to an approved private street.

SECTION 5.32 - TRAFFIC GENERATION

Each proposed use shall not create such a volume of automotive traffic so as to overburden the surrounding road system.

SECTION 5.33 - TEMPORARY STRUCTURES

Temporary structures and buildings incidental to construction work are permitted but must be removed upon completion of the construction.

SECTION 5.34 - ACCESSORY BUILDING

No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within five (5) feet of any other building.

SECTION 5.35 - ADDITIONAL STRUCTURES PER LOT

More than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure.

SECTION 5.36 - MINIMUM YARD SETBACK

No structure except fences, mail box:s, and sign posts shall be erected, placed, or moved to within ten (10) feet of any lot line.

SECTION 5.37 - SIGNS

All free-standing billboards or advertising sign boards shall be fifteen (15) feet or more from any public right-of-way line, to avoid confusion and reduce view obstruction.